

IN SENATE
OF
THE UNITED STATES,

MARCH 2, 1818.

The Committee of Claims, to whom was referred the petition of
David Barley,

REPORT:

That a letter, addressed to the committee, by the Secretary of the Treasury, presents such a view of the petitioner's claim, (which letter is herewith reported,) as induces them to submit the following resolution:

Resolved, That the prayer of the petition ought not to be allowed.

TREASURY DEPARTMENT,

February 25, 1818.

SIR,

In reply to your letter, enclosing the petition of David Barley, praying the allowance of drawback, upon certain wines which he was prevented from exporting, by the imposition of the embargo, in December, 1807, I have the honor to state, that the request of the petitioner cannot be granted, without giving rise to an almost infinitude of claims, which it might be difficult to resist, after the principle shall be established, which is presented in this case.

The merchant, who had upon his hands articles of domestic growth or manufacture, intended exclusively for foreign markets, would certainly have as strong a claim upon the government for the losses which he sustained by the imposition of the embargo, as the petitioner has for the allowance of debentures, upon wines consumed in the country. It is difficult to conceive that this measure should more injuriously affect the price of any foreign article, than those of domestic growth and manufacture, which are usually exported in large quantities to foreign markets. The embargo was a measure calculated to affect the prices of domestic productions much more injuriously than of foreign articles. The agriculturists and seafaring portion of the community were doubtless the greatest sufferers. The holders of particular kinds of foreign merchandise and domestic manufacturers, were the only persons who were benefitted by that measure.

To attempt to ascertain the degree of individual suffering produced by it through the whole community, with a view to equalize those sufferings, would be as unwise as it would be ineffectual. The merchants, as a class of the community, have not suffered more than the agriculturists.

It would, therefore, be impolitic to attempt to repair the losses of any one, as it could not be effected but by an act of injustice to the whole.

The circumstance, of the petitioner's having secured the duties, as required by law, does not appear to me to place his case in a different point of view. His losses in this transaction cannot be, upon

principle, distinguished from the mass of losses incurred under the same measure, by the great body of the community.

I have the honor to be,

Your most obedient

And very humble servant,

WM. H. CRAWFORD.

The honorable Jonathan Roberts,

Chairman of the Committee of Claims.

